

TYPE III DEVELOPMENT & ENVIRONMENTAL REVIEW, STAFF REPORT & RECOMMENDATION

Form DS1402



Project Name: CAMELLIA SUBDIVISION

Case Number: PLD2004-00048; SEP2004-00032; WET2004-00005;
ARC2004-00032

Location: 18108 NE 122nd Avenue

Request: The applicant is requesting to subdivide an approximately 38-acre parcel into 29 single-family residential lots. The property is located in the RC-1 zoning district.

Applicant: Moss & Associates, Inc.
Attn: Adam Beck
717 NE 61st Street, Suite 202
Vancouver, WA 98665
(360) 260-9400; (360) 260-3509 FAX
E-mail: adam@mossandassociates.net

Contact Person: Same as applicant

Property Owner: Achen Development, LLC
20926 NE Allworth Road
Battle Ground, WA 98606
(360) 687-2058

RECOMMENDATION

Approve subject to Conditions of Approval

Team Leader's Initials: _____ **Date Issued:** October 13, 2004

Public Hearing Date: October 28, 2004

County Review Staff:

	<u>Name</u>	<u>Phone Ext.</u>	<u>E-mail Address</u>
Planner:	Josh Warner	4898	joshua.warner@clark.wa.gov
Engineer (Trans. & Stormwater):	Ken Burgstahler	4347	ken.burgstahler@clark.wa.gov
Engineer (Trans. Concurrency):	Shelley Oylear	4354	shelley.oylear@clark.wa.gov
Team Leader:	Travis Goddard	4180	travis.goddard@clark.wa.gov
Engineer Supervisor: (Trans. & Stormwater):	Richard Drinkwater, P.E.	4492	richard.drinkwater@clark.wa.gov
Engineering Supervisor: (Trans. Concurrency):	Steve Schulte P. E.	4017	steve.schulte@clark.wa.gov
Wetland Biologist:	Brent Davis	4152	brent.davis@clark.wa.gov

Comp Plan Designation: Rural Center Residential (RCR)

Parcel Number(s): 194111-000

Applicable Laws:

Clark County Code Chapters: 18.304A (Rural Center Residential Districts); 12.41 (Transportation Concurrency); 12.05A (Street and Road Standards); 13.29 (Stormwater and Erosion Control); 13.36 (Wetlands Protection); 18.600 (Procedures); 17.105 (Legal Lot Determination); 17.301 (Subdivisions); Title 20 (SEPA); 18.65 (Impact Fees); Title 15 (Fire Protection); Title 24 (Public Health) and RCW 58.17 (State Platting Laws).

Neighborhood Association/Contact:

Meadow Glade Neighborhood Association

Tom Stafford, President

11103 NE 183 Street

Battle Ground WA 98604

(360) 687-3915

E-mail: tstaff@pacifier.com

Time Limits:

The application was determined to be fully complete on June 11, 2004 (see Exhibit 11). The applicant was asked to submit additional information and thereby, extended the deadline by 108 days. Therefore, the County Code requirement for issuing a decision within 92 days lapses on December 28, 2004. The State requirement for issuing a decision within 120 calendar days, lapses on January 24, 2005.

Vesting:

An application is reviewed against the subdivision, zoning, transportation, stormwater and other land development codes in effect at the time a fully complete application for

preliminary approval is submitted. If a pre-application conference is required, the application shall earlier contingently vest on the date the fully complete pre-application is filed. Contingent vesting requires that a fully complete application for substantially the same proposal is filed within 180 calendar days of the date the county issues its pre-application conference report.

A pre-application conference on this matter was held on December 11, 2003. The pre-application was determined to be contingently vested as of November 20, 2003 (i.e., the date the fully complete pre-application was submitted).

The fully complete application was submitted on May 28, 2004 and determined to be fully complete on June 11, 2004. Given these facts the application is vested on November 20, 2003. The concurrency vesting date is May 28, 2004.

There are not any disputes regarding vesting.

Public Notice:

Notice of application and public hearing was mailed to the applicant, Meadow Glade Neighborhood Association and property owners within 500 feet of the site on June 24, 2004. One sign was posted on the subject property and two within the vicinity on October 13, 2004. Notice of the SEPA Determination and public hearing was published in the "Columbian" Newspaper on October 13, 2004.

Public Comments:

Joe Lear July 9, 2004

Exhibit 16

Project Overview

The site is located on the west side of SR-503, north of 179th Street in the Meadow Glade Rural Center. It is a generally flat property with slopes up to five percent. The site contains one Category 2 wetland, four Category 3 wetlands, and eight Category 4 wetlands. There is an existing house and barn on the site. The house will remain and the barn is proposed to be removed. The zoning of the parcel is Rural Center Residential – 1 (RC-1). Surrounding parcels are also zoned RC-1, with the exception of the southwest corner which is R-5. Parcels to the north and east are residentially developed. The parcel to the west is currently a wetland bank and the properties to the south are only partially residentially developed.

The applicant is proposing to subdivide the existing approximately 38-acre parcel into 29 lots with associated road and stormwater improvements. This will require the applicant to obtain a subdivision type III process which will include a stormwater and transportation review. A wetland permit will also be required.

Comprehensive Plan, Zoning and Current Land Use

Compass	Comp Plan	Zoning	Current Land Use
Site	RC	RC-1	Existing Residence
North	RC	RC-1	Residential
East	RC	RC-1	Residential across SR-503
South	RC	RC-1	Residential
West	RC	RC-1	Wetland Bank

Staff Analysis

Staff first analyzed the proposal in light of the 16 topics from the Environmental Checklist (see list below). The purpose of this analysis was to identify any potential adverse environmental impacts that may occur without the benefit of protection found within existing ordinances.

- | | |
|---------------------------------|--|
| 1. Earth | 9. Housing |
| 2. Air | 10. Aesthetics |
| 3. Water | 11. Light and Glare |
| 4. Plants | 12. Recreation |
| 5. Animals | 13. Historic and Cultural Preservation |
| 6. Energy and Natural Resources | 14. Transportation |
| 7. Environmental Health | 15. Public Services |
| 8. Land and Shoreline Use | 16. Utilities |

Then staff reviewed the proposal for compliance with applicable code criteria and standards in order to determine whether all potential impacts will be mitigated by the requirements of the code.

Staff's analysis also reflects review of agency and public comments received during the comment period, and knowledge gained through a site visit.

Major Issues:

Only the major issues, errors in the development proposal, and/or justification for any conditions of approval are discussed below. Staff finds that all other aspects of this proposed development comply with the applicable code requirements, and, therefore, are not discussed below.

LAND USE:

Finding 1 – Lot Size: CCC 18.304A.060 requires that the minimum lot size for new lots in the RC-1 zone district be one (1) acre. The applicant indicates that each lot will be at least one (1) acre in size. Therefore, the lots will meet the minimum required lot size.

Finding 2 – Existing Structures: The existing house is proposed to remain and will be located on lot #22. The existing barn is proposed to be removed. A demolition permit is required, and the building being demolished may be subject to asbestos control inspection and regulations. The applicant should contact the Southwest Clean Air Agency for details.

Finding 3 – CCC 18.304A.060 outlines the required setbacks for lots in the RC-1 zone. Because there is an existing house that is to be retained on lot #22 it must meet the setbacks. The front yard setback requirement is 25 feet and the side yard setback is 10 feet. The setbacks shown on the proposed plat are: front yard 81 feet and side yard 17 feet. These meet the standard. An existing barn and outbuilding will be removed prior to final plat (See Condition A-1).

CRITICAL AREAS:

Finding 1 - Compliance with CCC 13.36 will ensure that the project has no significant environmental impacts to wetlands.

Finding 2 - Staff confirmed wetland and wetland buffer boundaries on the site prior to submittal of the subdivision application through a wetland pre-determination (WET2004-00005, Exhibit 31). The site contains one Category 2 wetland, four Category 3 wetlands, and eight Category 4 wetlands. Category 4 wetland W13 (Exhibit 31) is less than 10,000 sq. ft. and is exempt per CCC 13.36.130 (1). Wetland buffers are automatically reduced by 50% from the base buffers required under CCC 13.36.320 for land divisions in the rural area, no further buffer reductions are allowed.

Finding 3 - Wetlands W11 and W13 shown in Exhibit 31 have been removed from the proposed preliminary plat (Exhibit 5) and the revised preliminary stormwater plan (Exhibit 29) drawings. Wetland W13 is exempt from county regulation and may be filled, however all wetlands must be shown on the engineering construction plans. Wetland W11 is not exempt and must be shown on the engineering construction plans and final plat with the required wetland buffer (See Condition A-2 & B-2).

Finding 4 - The applicant proposes approximately 0.21 acres of wetland fill for three road crossings (two on W5 and one on W11). According the preliminary wetland mitigation plan (Exhibit 9), enhancement of remaining Category 4 wetlands is proposed for mitigation of these impacts. A 4:1 enhancement ratio is required, thus 0.84 acres of the proposed enhancement is needed, therefore the proposed wetland mitigation must be expanded to include an additional 0.35 acres. The site has 1.67 acres of category 4 wetlands that could be enhanced (See Condition B-3).

Finding 5 - The revised preliminary stormwater plan (Exhibit 29) indicates that wetland W9 may be modified to provide stormwater detention. Detention is allowed in Category 4 wetlands per CCC 13.36.420 (5). The placement of fill for containment of stormwater can be mitigated by expansion of the proposed wetland enhancement unless the additional wetland impact exceeds 0.20 acres. The Final Enhancement/Mitigation plan and Engineering Construction must clearly address any additional wetland impacts required for stormwater detention (See Condition B-4).

Finding 6 - The proposed roadways cross wetland buffers in several locations. Road crossings must comply with CCC 13.36.415 (5), thus wetland buffer functions must be replaced. The preliminary plat (Exhibit 5) and wetland mitigation plan (Exhibit 9) do not clearly identify the total buffer impact due to road crossings and the buffer function replacement measures proposed to offset these impacts. The Final Enhancement/Mitigation plan and Engineering Construction plans must clearly show the total wetland buffer impact and adequate buffer function replacement measures (i.e. 1:1 replacement and/or 2:1 enhancement) (See Condition B-5).

Finding 7 - The revised preliminary stormwater plan (Exhibit 29) shows several detention areas and bio-swales within the wetland buffers. These facilities must comply with CCC 13.36.415 (4) and may only be allowed in Type C and Type D buffers. Water quality facilities not allowed in existing wetlands and any type of stormwater facilities are not allowed Type A and Type B buffers. Removal of woody vegetation greater than four inches diameter from wetland buffers is not allowed and replacement of smaller woody vegetation may be required to maintain buffer function. The Final Enhancement/Mitigation plan and Engineering Construction plans must show the precise location and design of any stormwater facilities located within the wetland buffer. These plans must also locate, and identify protection measures for, any woody vegetation greater than four inches diameter that might be affected by grading required to construct the facilities (See Condition B-6).

Finding 8 - The buffer boundaries shown on proposed lots 2, 3, 9, 11, 13, and 23 have been reduced beyond the allowed 50% maximum reduction allowed under CCC 13.36.515(1). The Engineering Construction and Final Plat must show wetland buffers that are at least 50% of the required base buffer width with the exception of any approved wetland buffer road and utility crossings (See Condition A-3 & B-7).

Finding 9 - The applicant has proposed to provide a 10 ft, buffer and small landscape berm between the upland areas on the site and the adjacent wetland mitigation bank site to the west (See Exhibit 9). This buffer and berm provide added protection to the wetland mitigation bank that is not required under CCC 13.36. This buffer provides buffer functions that can be used to partially offset the impacts of the proposed road crossings and stormwater facilities. The extend of the buffer "credit" resulting from this proposed enhancement will be determined during the Final wetland permit process.

Finding 10 – Archaeological Predetermination: The site was visited by Robert Freed on April 28-29 and May 3, 2004, to conduct the predetermination. The search procedures are described in the Archaeological Predetermination Report.

Finding 11 – The results of the archaeological predetermination showed that no archaeologically significant items were found. No further archaeological work is recommended at this time.

TRANSPORTATION CONCURRENCY:

The applicant's traffic study has estimates trip generation for weekday AM peak hour at 24 new trips, and the PM peak hour trip at 32 new trips. The following paragraphs document two transportation issues for the proposed development.

Issue 1: Concurrency

The applicant submitted a traffic study for this proposal in accordance with CCC 40.350.020B and is required to meet the standards established in CCC 41.350.020G for corridors and intersections of regional significance. The County's Traffix™ model includes the intersections of regional significance in the area and the County's model was used to evaluate concurrency compliance.

Finding 1 – Site Access: Level of Service (LOS) standards are not applicable to accesses that are not regionally significant; however, the LOS analysis provides information on the potential congestion and safety problems that may occur at the site accesses onto NE 1799th Street. The access appears to maintain acceptable LOS.

Finding 2 – Operating LOS on Corridors: The proposed development was subject to concurrency modeling. The modeling results indicate that the operating levels comply with travel speed and delay standards.

Finding 3 – WDOT Facilities: Although the subject site is located in Clark County, the development generates traffic that affect NE 117th Avenue (SR 503), a facility under the jurisdiction of the Washington State Department of Transportation (WSDOT). Comments regarding safety and capacity on state facilities are submitted separate from this review by WSDOT.

Concurrency Compliance: The proposed development complies with the Concurrency Ordinance CCC 40.350.020.

Issue 2: Safety

Where applicable, a traffic study shall address the following safety issues:

- traffic signal warrant analysis;
- turn lane warrant analysis;
- accident analysis; and,
- any other issues associated with highway safety.

Mitigation for off-site safety deficiencies may only be a condition of approval on development in accordance with CCC 40.350.030(B)(6) The code states that “nothing in this section shall be construed to preclude denial of a proposed development where off-site road conditions are inadequate to provide a minimum level of service as specified in Section 40.350.020 or a *significant* traffic or safety hazard *would be caused or materially aggravated* by the proposed development; provided, that the applicant may voluntarily agree to mitigate such direct impacts in accordance with the provisions of RCW 82.02.020.”

Finding 4 – Traffic Signal Warrants: Signal warrants are not met at any of the subject intersections analyzed in the applicant's traffic study.

Finding 5 – Turn Lane Warrants: Turn lane warrants are evaluated at unsignalized intersections to determine if a separate left or right turn lane is needed on the uncontrolled roadway. The applicant's traffic study analyzed the roadways in the local vicinity of the site to determine if turn lane warrants are met. Turn lane warrants were not met at any of the unsignalized intersections analyzed in the applicant's traffic study; therefore, mitigation is not required.

Finding 6 – Historical Accident Situation: The applicant's traffic study analyzed the accident history at the regionally significant intersections; however, all of the historical accident rates at these intersections are below 1.0 accidents per million entering vehicles. Therefore, mitigation by the applicant is not required.

Finding 7 – Traffic Controls During Construction: During site development activities, the public transportation system (roadways, sidewalks, bicycle lanes, etc.) may be temporarily impacted. In order to minimize these impacts and coordinate work occurring in the public right-of-way, the applicant will need to prepare and have approved a Traffic Control Plan (See Condition C-1).

The applicant shall maintain all existing signs within the public right of way within the limits of the development's construction until the public roads have been accepted by the County. The developer shall install and maintain temporary signs where the development's signing and striping plan shows new or modified warning or regulatory signs. New or modified temporary signing shall be installed when any connection is made to the public road network. The developer shall remove the temporary signs immediately after the County installs the permanent signing and striping.

TRANSPORTATION:

Finding 1 – Comprehensive Plan: CCC 12.05A.020(3) requires consistency with the effective Clark County Arterial Atlas. NE 179th Street is a proposed Rural Major Collector, according to Pages 27 and 28 of the atlas. This road runs along the south boundary of this development. The half-width right-of-way for a Rural Major Collector is 30 feet per Table 12.05A.120-2 and Drawing 23 of the Transportation Standards. The plat of Windsong Acres (SUB 95-025-1532) to the south was required to establish a 30-foot setback line along the north boundary for future NE 179th Street. This is reflected

on the recorded final plat (Book 310, Page 952). The plat of Meadowland Estates (SUB 95-015-1032) to the west was required to establish a 30-foot wide right-of-way or easement along the south line of the plat for future NE 179th Street. The recorded final plat (Book J, Page 402) shows a 30-foot easement. The proposed plat of Whispering Meadows (PLD2003-00068) and the proposed Jolma Short Plat (PLD2004-00009) located further west were also required to provide a 30-foot easement. CCC 12.05A.260 requires dedication of the right-of-way, "where the existing platting pattern, the development under review and the potential for development of adjacent lots demonstrates a need for the dedication." Camellia Subdivision, Meadowland Estates, Whispering Meadows and Jolma Short Plat are all along the north side of the proposed alignment for NE 179th Street. In order to be consistent with these subdivisions to the west, the applicant will be required to provide an easement over the south 30 feet of this plat for the future NE 179th Street. In addition, a house has been constructed on Parcel 195376000, immediately south of this plat, which may encroach into the right-of-way necessary to construct the south portion of NE 179th Street. The applicant has offered to provide additional right-of-way, as necessary, to allow construction of NE 179th Street around this house. This shall be a condition of approval of this plat (See Condition A-4).

Finding 2 – Circulation Plan: CCC 12.05A.110(1) requires a circulation plan for developments that are required to conduct a transportation impact study or construct frontage improvements. The purpose of this section of the code is to ensure adequate cross-circulation in a manner which allows subsequent developments to meet these standards, and to provide a mechanism for integrating various streets into an efficient and safe transportation network. An extension of NE 120th Avenue northerly through the middle of the site would be the preferred route for circulation. The applicant indicates that this route would be difficult to construct, as it would be impeded by wetlands. Additionally, the majority of the lots in this plat are to be separated into a private, possibly gated community, and a public circulation road through middle of the plat will damage the "private community" feel. The applicant proposes providing an easement to the county extending from the end of NE 120th Avenue northeasterly to the westerly right-of-way line of NE 122nd Avenue (SR 503). This easement then curves northerly parallel to this right-of-way line to the north boundary of this plat. This alignment has fewer issues, retains the integrity of the "private community", and will be available to the county in the future, if the county feels that additional cross circulation is necessary. The county accepts this easement in lieu of constructing a cross-circulation road. This easement shall be a minimum of 50 feet wide and meet the alignment requirements for a Rural Local Access road defined in Table 1205A.120-4 of the Transportation Standards (See Condition A-5).

Finding 3 – Roads: NE 120th Avenue is a Rural Local Access Road. This road must comply with the requirements of Table 12.05A.120-4 and Drawing 25 of the Transportation Standards. These requirements include, but are not limited to a minimum pavement width of 24 feet and a minimum right-of-way width of 50 feet. The cul-de-sac bulb shall have a minimum roadway radius of 45 feet and a minimum right-of-way radius of 50 feet to comply with Drawing 30 of the Transportation Standards. Additional right-of-way or easements may be required where necessary to

accommodate slopes, sight distance or other features necessary for maintenance or to enhance safety, per CCC 12.05A.620(1). The applicant proposes constructing a curb, making this road similar to an urban residential road. Staff finds this acceptable (See Condition A-6).

Finding 4 – This site is located in a Rural Center zone. CCC 12.05A.080(4) states that new developments within rural centers shall meet rural road standards PROVIDED that all public roads and non-residential private roads shall be paved and constructed with detached sidewalks. Utilizing Table 12.05A.080, Rural Local Access roads convert to Urban Neighborhood Circulator roads, which require 5-foot wide sidewalks, according to Table 12.05A.120-3 and Drawing 13 of the Transportation Standards. Therefore, the internal public roads shall have 5-foot wide detached sidewalks. Due to the large size, irregular shape and rural nature of the lots in this subdivision, as well as concerns regarding possible damage to roadside stormwater facilities, these sidewalks shall be constructed as part of road construction, prior to final plat approval, in accordance with CCC 12.05A.770(8)(b). The applicant proposes constructing an attached sidewalk in conjunction with a curb. Staff finds this acceptable (See Condition A-6).

Finding 5 – The private roads must comply with the requirements of Table 12.05A.120-4 and Drawing 27 of the Transportation Standards. These requirements include, but are not limited to a minimum roadway width of 20 feet and a minimum easement width of 30 feet. The minimum intersection radius shall be 25 feet. The minimum centerline radius shall be 60 feet. Additional easements may be required where necessary to accommodate slopes, sight distance or other features necessary for maintenance or to enhance safety, per CCC 12.05A.620(1). The proposed private roads shall be paved 25 feet back from the nearest edge of the travel lane of the public roads, to comply with CCC 12.05A.240(3). The applicant proposes constructing an attached sidewalk in conjunction with a curb. Although sidewalks are not required per CCC 12.05A.080(4), they, as well as curbs, are acceptable. The cul-de-sac bulbs shall have a minimum roadway radius of 45 feet and a minimum easement radius of 50 feet to comply with Drawing 30 of the Transportation Standards (See Condition A-7).

Finding 6 – The applicant shall provide a private road maintenance agreement for the private road as required in CCC 12.05A.770(7). This agreement must include the owners of the appropriate lots using the private road for access among those responsible for the maintenance of this road (See Condition A-8).

Finding 7 – CCC 12.05A.270(3) requires the following notice placed on the face of the final plat: “Clark County has no responsibility to improve or maintain the private roads contained within or private roads providing access to the property described in this plat. Any private access street shall remain a private street unless it is upgraded to public street standards at the expense of the developer or adjoining lot owners to include hard surface paving and is accepted by the County for public ownership and maintenance” (See Condition D-3).

Finding 8 – This site fronts NE 179th Street to the south. This street is classified as a Rural Major Collector in this area. Frontage improvements and right-of-way dedication shall be a minimum of ½ of those specified in Tables 12.05A.120-1 through 12.05A.120-5, to comply with CCC 12.05A.220(1)(a). According to Table 12.05A.120-2 and Drawing 23 of the Transportation Standards, this classification of roads requires a half-width right-of-way of 30 feet and a half-width roadway of 20 feet. Frontage roads in Rural Centers are not exempted from frontage road improvements per CCC 12.05A.220(2)(b). These improvements are required for the portion of NE 179th Street between NE 120th Avenue and NE 122nd Avenue (SR 503) (See Condition A-9).

Finding 9 – The site is located in a Rural Center zone. CCC 12.05A.080(4) states that new developments within Rural Centers shall meet rural road standards PROVIDED that all public roads and all non-residential private roads shall be paved and constructed with detached sidewalks. Utilizing Table 12.05A.080, Rural Major Collectors convert to Urban Minor Arterials (M-2cb), which require 6-foot wide sidewalks, according to Drawing 10 of the Transportation Standards. Therefore, NE 179th Street shall have a 6-foot detached sidewalk between NE 120th Avenue and NE 122nd Avenue (SR 503). These sidewalks shall be constructed as part of road construction, prior to final plat approval, in accordance with CCC 12.05A.770(8)(b). An attached sidewalk in conjunction with a curb is acceptable (See Condition A-9).

Finding 10 – NE 122nd Avenue is a state highway (SR 503). Required dedication and/or improvements must meet the requirements of the Washington State Department of Transportation (WSDOT) per CCC 12.05A.210(4). This road is a fully-improved state highway, and WSDOT is requiring no additional dedication or improvements.

Finding 11 – The applicant has provided evidence that NE 122nd Avenue (SR 503), providing access to this site, has a roadway width exceeding 20 feet. Therefore, staff finds that the off-site road improvement requirements in CCC 12.05A.230(2)(a)7(b) are satisfied.

Finding 12 – Access: NE 122nd Avenue is a state highway (SR 503). Access to this road must meet the requirements of WSDOT per CCC 12.05A.210(4). WSDOT indicates that this portion of SR 503 has been classified as “Limited Access” by the Access Management Law. A “Limited Access Facility” is defined as “A highway or street especially designed or designated for through traffic, and over, from, or to which owners or occupants of abutting land, or other persons, have no right or easement, or only a limited right or easement of access, light, air, or view by reason of the fact that their property abuts upon such limited access facility, or for any other reason to accomplish the purpose of a limited access facility.” Because this portion of SR 503 is a Limited Access Facility, direct access to or from SR 503 will not be permitted. This restriction also extends west along the north side of NE 179th Street approximately 290 feet to the right-of-way jog. The existing house on Lot 22 will be permitted continued use of the existing access. This shall be noted on the final plat (See Condition D-4).

Finding 13 – NE 179th Street is classified as a Rural Major Collector. CCC 12.05A.210(2)(a)(ii) says that residential driveways in the rural area will not be permitted to access collectors if direct lot access is available to an existing rural access road as defined in Table 40.350.030-4. All lots that abut NE 179th Street have direct access to NE 120th Avenue or the private roads. Therefore, no lots will be allowed direct access to NE 179th Street. This shall be noted on the final plat (See Condition D-5).

Finding 14 – To comply with CCC 12.05A.240(3), driveways shall be paved from the edge of the public road to the right-of-way, or to 20 feet from the edge, whichever is greater. This applies to all driveways accessing public roads, and shall be noted on the final plat (See Condition D-6).

Finding 15 – Sight Distance: The Transportation Impact Study submitted with this application contains a statement that sight distance at the intersection of NE 179th Street and NE 120th Avenue is adequate. This document was signed and stamped by David S Kelly, an engineer licensed in the State of Washington. Therefore, staff finds that the sight distance requirements are satisfied.

STORMWATER & EROSION CONTROL:

Finding 1 – Applicability: Stormwater and Erosion Control Ordinance CCC 13.29 applies to each of the following development or redevelopment activities that:

- a. Results in 5,000 square feet or more of new impervious area within the rural area
- b. Results in 2,000 square feet or more of new impervious area within the urban area
- c. The addition or replacement of more than 1,000 square feet of impervious surface for any of the development activities or redevelopment listed in Sections 13.29.305 (F) and (2).
- d. The platting of single-family residential subdivisions in an urban area
- e. If redevelopment results in 5,000 square feet or more of replaced impervious surface, then the provisions of Section 13.29.305 (C) apply.
- f. Drainage projects
- g. All land disturbing activities except those exempted in Section 13.29.210.

This application will result in 5,000 square feet or more of new impervious area within the rural area. CCC 13.29.210(A)(6) exempts the construction of single-family homes, and their normal appurtenances and accessory structures, on an existing lot within the rural area from Section 13.29.305 (Water Quality Treatment) Section 13.29.310 (Quantity Control), and Subsection (D) (Conveyance Systems) of Section 13.29.310. However, the homes and appurtenances are still subject to the Erosion Control portions of this ordinance (See Condition A-10).

Finding 2 – Stormwater Proposal: Stormwater is to sheetflow off the streets to roadside ditches. If the applicant utilizes curbs, curb cuts will be provided to allow the stormwater

a route to the ditches. These ditches along with culverts will convey the stormwater to various bioswales for treatment. The ditches are to be used for detention, as well as several possible detention facilities. Stormwater is to be released at four points:

- Point “W”, near the southwest corner of this site. Stormwater then flows southwesterly through an unnamed tributary to Salmon Creek.
- Point “X”, into the culverts and ditches along the west side on SR 503.
- Point “Y”, an existing wetland in the northerly portion of the site.
- Point “Z”, an existing wetland bank west of the site.

Finding 3 – Site Conditions and Stormwater Issues: The material submitted for preliminary stormwater review is quite vague. It is difficult to determine if various specifics of the proposed stormwater system will work. Staff believes that an approvable stormwater system can be made to work on this parcel. However, significant revisions to the stormwater plan may be required at the time of final engineering review (See Condition A-11).

The applicant proposes utilizing the roadside ditches as a portion of the detention facilities. This places some of the detention facilities upstream of the water treatment facilities. This is a relatively new phenomenon in the experience of Community Development. It has been traditional practice to place water quality treatment upstream of detention facilities. By placing detention facilities upstream of water quality treatment, the peak rate of runoff produced by the water quality storm event is attenuated, which is to say reduced in peak intensity but increased in duration. Because stormwater quality treatment facilities are sized to treat peak flows, a reduction in the peak runoff produced by the design storm results in a smaller water quality treatment facility. The amount of time the treatment media is in contact with the design flow is substantially increased. Whether the placement of detention upstream of treatment is an acceptable Best Management Practice (BMP) is an issue which is not clearly defined in the county’s stormwater and erosion control ordinance, nor in the Department of Ecology Stormwater Management Manual for the Puget Sound Basin (February 1992), adopted by reference as the county BMP Manual. However, the Department of Ecology’s most recent guidance document, the Stormwater Management Manual for Western Washington (August 2001), does include discussion of this issue. The “Western Washington” manual has not been adopted by Clark County. It does, however, provide a useful guide to more recent technical and scientific considerations of the issue of the sequence of detention and treatment. In Volume 4-Runoff Treatment BMPs, Section 4.2 – Sequence of Facilities, the manual notes that not all treatment facilities can function effectively if located downstream of detention facilities; “... prolonged flows discharged by a detention facility...may interfere with the proper functioning of basic biofiltration swales and sand filters. Grasses typically specified in the basic biofiltration swale design will not survive.” For any proposal to place detention facilities upstream of water quality treatment, the applicant shall be required to provide evidence acceptable to Engineering Services that the proposed facility will provide effective long-term water quality treatment that will not burden the public with maintenance or operational requirements which exceed those required of existing, standard county-approved BMPs (See Condition A-12).

CCC 13.29.315(B) says that locations of stormwater facilities in relation to wetlands are specified in the Wetlands Protection Ordinance, CCC 13.36. CCC 13.36.415(4) discusses stormwater facilities in wetlands.

An off-site analysis extending a minimum of ¼ mile downstream from the site shall be submitted, to comply with CCC 13.29.305(B)(1) for all discharge points. The applicant has submitted a downstream analysis as supplemental material to the preliminary application. This document indicates that “this project will have minimal impact on the downstream conditions because all proposed street runoff will receive quality treatment and be routed through a detention facility which reduces the existing runoff release rates from the site.” Although the release rate is reduced by the detention facilities, the amount of stormwater will increase, due to the reduction of pervious area on the site. The downstream analysis shall be conducted to consider the impact of increased water quantity resulting from this development.

Discharge Point “X” drains into the roadside ditches and culverts along the west side of SR 503, a WSDOT facility. The applicant has performed a downstream analysis extending southerly over ¼ mile downstream from the discharge point. Several stormdrain structures exist in this drainage system. This analysis states that these structures are adequate for present conditions. The applicant shall provide calculations documenting that these structures have adequate capacity to carry the additional stormwater draining from this development. This documentation shall be signed and stamped by an engineer licensed in the State of Washington.

The applicant proposes utilizing roadside filter strips for treatment of stormwater. The applicant shall provide evidence that these strips comply with the requirements of CCC 13.29.305. Specific requirements for filter strips are listed in CCC 13.29.305(D)(5).

Conveyance calculations and details of the proposed control structures and metering devices from the ponds shall be required.

Stormwater facilities located within public rights-of-way are to be maintained by Clark County. Therefore, the applicant must comply with the various requirements for county-owned facilities called out in CCC 13.29. Adequate access must be provided to all portions of the facility for maintenance.

A final stormwater control plan and final technical information report (T.I.R.) shall be submitted for approval in compliance with Section 13.29.530. In addition to refining and confirming the preliminary stormwater design report, the final plan and report shall also address the above items (See Condition A-13).

Stormwater facilities not located within the public right-of-way shall be privately owned in compliance with CCC 13.29.340(A), and maintained by the neighborhood association per the county’s Stormwater Facilities Maintenance Manual, as adopted by Chapter 13.26A. Although the Preliminary Stormwater Plan indicates that these facilities are to

be located in the private right-of-way or tract, the applicant's representative has verbally told staff that they will be placed in easements. Adequate access must be provided to the facilities to perform maintenance (See Conditions A-14 & D-7).

Finding 4 – Erosion Control: An erosion control plan for the development shall be submitted in compliance with Section 13.29.540. The erosion control plan shall be submitted and approved prior to any construction. The applicant shall submit a copy of the approved plan to the Chief Building Official. Failure to comply with the approved erosion control plan can result in a stop-work order, citation, or other code enforcement actions (See Conditions A-15, D-8 & E-7 through E-10).

Effective January 1, 2001, all development activities performed by licensed contractors shall be supervised by an individual who shall have successfully completed formal training in erosion and sediment control during construction by a recognized organization acceptable to the director, per CCC 13.29.430. Residential homeowners constructing their own development activity are exempt (See Condition A-16).

FIRE PROTECTION:

Finding 1 – Fire Marshal Review: This application was reviewed by Tom Scott in the Fire Marshal's Office. Tom can be reached at (360) 397-2375 x4095 or 3323. Information can be faxed to Tom at (360) 759-6063. Where there are difficulties in meeting these conditions or if additional information is required, contact Tom in the Fire Marshal's office immediately.

Finding 2 – Building Construction: Building construction occurring subsequent to this application shall be in accordance with the provisions of the county's building and fire codes. Additional specific requirements may be made at the time of building construction as a result of the permit review and approval process (See Condition C-2).

Finding 3 – Fire Flow: Fire flow in the amount of 500 gallons per minute supplied for 30 minutes duration is required for this application. A utility review from the water purveyor indicates that the required fire flow is not currently available at the site. Additions to water mains supplying fire flow and fire hydrants shall be installed, approved and operational prior to final plat approval (See Condition A-17).

Finding 4 – Fire Hydrants: Fire hydrants are required for this application. Either the indicated number or the spacing of the fire hydrants is inadequate. The applicant shall provide fire hydrants such that the maximum spacing between hydrants does not exceed 700 feet and such that no lot or parcel is in excess of 500 feet from a fire hydrant as measured along approved fire apparatus access roads (See Condition A-18).

Unless waived by the fire district chief fire hydrants shall be provided with appropriate 'storz' adapters for the pumper connection. The local fire district chief approves the exact locations of fire hydrants. As a condition of approval, contact the District 11 Fire Department at 360-687-2171 to arrange for location approval. The applicant shall

provide and maintain a six-foot clear space completely around every fire hydrant (See Conditions A-19, D-9 & D-10).

Finding 5 – Fire Apparatus Access: Fire apparatus access is required for this application. The roadways and maneuvering areas as indicated in the application shall meet the requirements of the Clark County Road Standard. The applicant shall provide an unobstructed vertical clearance of not less than 13.5 feet, with an all weather driving surface capable of supporting the imposed loads of fire apparatus (See Condition A-20).

Finding 6 – Fire Access: Plans for gates that obstruct fire apparatus access roads shall be submitted to and approved by the Fire Marshal prior to their installation (See Condition D-11).

Finding 7 – Fire Apparatus Turnarounds: Approved fire apparatus turnarounds are required for this project. The provisions for turning around fire apparatus comply with the Clark County Road Standard.

WATER & SEWER SERVICE:

Finding 1 – The site will be served by the Clark Public Utilities water district and Hazel Dell sewer district. Letters from the above districts confirm that services are available to the site.

Finding 2 – Submittal of a “Health Department Evaluation Letter” is required as part of the Final Construction Plan Review application. If the Evaluation Letter specifies that an acceptable “Health Department Final Approval Letter” must be submitted, the Evaluation Letter will specify the timing of when the Final Approval Letter must be submitted to the county (e.g., at Final Construction Plan Review, Final Plat Review or prior to occupancy). The Health Department Evaluation Letter will serve as confirmation that the Health Department conducted an evaluation of the site to determine if existing wells or septic systems are on the site, and whether any structures on the site have been/are hooked up to water and/or sewer. The Health Department Final Approval Letter will confirm that all existing wells and/or septic systems have been abandoned, inspected and approved by the Health Department (if applicable) (See Condition # E-2).

IMPACT FEES:

Finding 1 – The residents of the proposed new lots will create an additional demand for schools. In order to reduce these potential impacts, school impact fees (SIF) will apply to all new houses constructed within the short plat. The site is located within the Battle Ground School District which has a school impact fee of \$3,000.00 per new single family home built within its district (See Condition C-3). The impact fee is necessary to pay for the proportionate share of the potential impact of increased enrollment on school facilities within the school district. The impact fee moneys together with funding from other sources are used to construct new facilities and improve existing facilities necessary to accommodate new students (See Condition C-3 & Plat Note D-12). The impact fee does not apply to the existing house on the site, which is located on proposed lot #22.

SEPA DETERMINATION

As lead agency under the State Environmental Policy Act (SEPA) Rules [Chapter 197-11, Washington Administrative Code (WAC)], Clark County must determine if there are possible significant adverse environmental impacts associated with this proposal. The options include the following:

- **DS = Determination of Significance** (The impacts cannot be mitigated through conditions of approval and, therefore, requiring the preparation of an Environmental Impact Statement (EIS);
- **MDNS = Mitigated Determination of Non-Significance** (The impacts can be addressed through conditions of approval), or;
- **DNS = Determination of Non-Significance** (The impacts can be addressed by applying the County Code).

Determination:

Determination of Non-Significance (DNS). Clark County, as lead agency for review of this proposal, has determined that this proposal does not have a probable significant adverse impact on the environment. An Environmental Impact Statement (EIS) is not required under RCW 43.21C.030 (2) (e). This decision was made after review of a completed environmental checklist and other information on file with the County.

Date of Publication & Comment Period:

Publication date of this DNS is October 13, 2004 and is issued under WAC 197-11-340. The lead agency will not act on this proposal until the close of the 14-day comment period, which ends on October 27, 2004

Public Comment Deadline:
October 27, 2004

SEPA Appeal Process:

An **appeal** of this SEPA determination and any required mitigation must be filed with the Department of Community Development within fourteen (14) calendar days from the date of this notice. The SEPA appeal fee is **\$186**.

A **procedural appeal** is an appeal of the determination (i.e., determination of significance, determination of non-significance, or mitigated determination of non-

significance). A **substantive appeal** is an appeal of the conditions required to mitigate for probable significant issues not adequately addressed by existing County Code or other law.

Issues of compliance with existing approval standards and criteria can still be addressed in the public hearing without an appeal of this SEPA determination.

Both the **procedural and substantive appeals** must be filed within fourteen (14) calendar days of this determination. Such appeals will be considered in the scheduled public hearing and decided by the Hearing Examiner in a subsequent written decision.

Appeals must be in writing and contain the following information:

1. The case number designated by the County and the name of the applicant;
2. The name and signature of each person or group (petitioners) and a statement showing that each petitioner is entitled to file an appeal as described under Section 40.510.030(H) of the Clark County Code. If multiple parties file a single petition for review, the petition shall designate one party as the contact representative with the Development Services Manager. All contact with the Development Services Manager regarding the petition, including notice, shall be with this contact person;
3. A brief statement describing why the SEPA determination is in error.

The decision of the Hearing Examiner on any SEPA procedural appeal can not be appealed to the Board of County Commissioners, but must pursue judicial review.

Staff Contact Person: Josh Warner, (360) 397-2375, ext. 4898
Travis Goddard, (360) 397-2375, ext. 4180

Responsible Official: Michael V. Butts

**Public Service Center
Department of Community Development
1300 Franklin Street
P.O. Box 9810
Vancouver, WA 98666-9810
Phone: (360) 397-2375; Fax: (360) 397-2011
Web Page at: <http://www.co.clark.wa.us>**

RECOMMENDATION

Based upon the proposed plan (identified as Exhibit 32), and the findings and conclusions stated above, staff recommends the Hearings Examiner **APPROVE** this request, subject to the understanding that the applicant is required to adhere to all applicable codes and laws, and is subject to the following conditions of approval:

Conditions of Approval

A.

Conditions that must be met prior to Final Plat approval and recording; or if improvements are approved by the county for bonding or other secure method, such conditions shall be met prior to issuance of Building Permits per CCC, Sections 40.350.030(C)(4)(i) & (j) and 40.380.040N.

- A-1** The existing barn and outbuilding on proposed lots # 20 & #21 shall be removed prior to final plat (See Land Use Finding #3).
- A-2** Wetland W11 shall be shown on the Final Plat with the required wetland buffer (See Wetland Finding #3).
- A-3** The Final Plat shall show wetland buffers that are at least 50% of the required base buffer width with the exception of any approved wetland buffer road and utility crossings (See Wetland Finding #8).
- A-4** The applicant shall provide an easement to Clark County over the south 30 feet of this plat for the future NE 179th Street. This easement shall be widened as necessary to provide adequate room to construct the entire width of this street in the vicinity of the house located on Parcel 195376-000 (See Transportation Finding #1).
- A-5** The applicant shall provide an easement to the county extending from the end of NE 120th Avenue northeasterly to the westerly right-of-way line of NE 122nd Avenue (SR 503), then curving northerly parallel to this right-of-way line to the north boundary of this plat. This easement shall be a minimum of 50 feet wide and meet the alignment requirements for a Rural Local Access road defined in

Table 12.05A.120-4 of the Transportation Standards. (See Transportation Finding #2)

- A-6** NE 120th Avenue must comply with the requirements of Table 12.05A.120-4 for a Rural Local Access Road, and Drawing 25 of the Transportation Standards. These requirements include, but are not limited to a minimum pavement width of 24 feet and a minimum right-of-way width of 50 feet. The cul-de-sac bulb shall have a minimum roadway radius of 45 feet and a minimum right-of-way radius of 50 feet. Additional right-of-way or easements may be required where necessary to accommodate slopes, sight distance or other features necessary for maintenance or to enhance safety. This road shall also have 5-foot wide sidewalks. Curbs with attached sidewalks are acceptable. (See Transportation Findings # 3 & 4).
- A-7** The private roads must comply with the requirements of Table 12.05A.120-4 for a Private Road, and Drawing 27 of the Transportation Standards. These requirements include, but are not limited to a minimum roadway width of 20 feet and a minimum easement width of 30 feet. The minimum intersection radius shall be 25 feet. The minimum centerline radius shall be 60 feet. Additional easements may be required where necessary to accommodate slopes, sight distance or other features necessary for maintenance or to enhance safety. The proposed private roads shall be paved 25 feet back from the nearest edge of the travel lane of the public roads. Curbs with attached sidewalks, though not required, are acceptable. The cul-de-sac bulbs shall have a minimum roadway radius of 45 feet and a minimum easement radius of 50 feet to comply with Drawing 30 of the Transportation Standards. (See Transportation Finding #5)
- A-8** The applicant shall provide a private road maintenance agreement for the private road as required in CCC 12.05A.770(7). This agreement must include the owners of the appropriate lots using the private road for access among those responsible for the maintenance of this road. (See Transportation Finding # 6)
- A-9** The applicant shall dedicate sufficient right-of-way and construct sufficient improvements to obtain a minimum half-width right-of-way of 30 feet and a minimum half-width paved roadway of 20 feet with a 6-foot wide detached sidewalk for the portion of NE 179th Street between NE 120th Avenue and NE 122nd Avenue (SR 503). An attached sidewalk in conjunction with a curb is acceptable. (See Transportation Findings # 8 & 9)
- A-10** This development is subject to the Stormwater and Erosion Control Ordinance, CCC 13.29. The construction of single-family homes, and their normal appurtenances and accessory structures are exempt from Section 13.29.305 (Water Quality Treatment) Section 13.29.310 (Quantity Control), and Subsection (D) (Conveyance Systems) of Section 13.29.310. (See Stormwater and Erosion Control Finding # 1)

- A-11** Significant revisions to the stormwater plan may be required at the time of final engineering review. (See Stormwater and Erosion Control Finding # 3)
- A-12** For any proposal to place detention facilities upstream of water quality treatment, the applicant shall be required to provide evidence acceptable to Engineering Services that the proposed facility will provide effective long-term water quality treatment that will not burden the public with maintenance or operational requirements which exceed those required of existing, standard county-approved BMPs. (See Stormwater and Erosion Control Finding # 3)
- A-13** A final stormwater control plan and final technical information report (T.I.R.) shall be submitted for approval in compliance with Section 13.29.530. In addition to refining and confirming the preliminary stormwater design report, the final plan and report shall also include (but not be limited to) the following:
- Compliance with the Wetlands Protection Ordinance CCC 13.36 for stormwater facilities located in and near the wetlands.
 - An off-site analysis extending a minimum of ¼ mile downstream from the site shall be submitted, to comply with CCC 13.29.305(B)(1) for all discharge points. This analysis shall be conducted to consider the impact of increased water quantity resulting from the reduction of pervious area in this development. Calculations shall be submitted documenting that the stormwater structures along SR 503 downstream from this development have adequate capacity to carry the additional stormwater draining from this development. This documentation shall be signed and stamped by an engineer licensed in the State of Washington.
 - An analysis of the erosion, sedimentation, and pollution potential at the outlets of the system, and a minimum ¼ mile downstream.
 - Evidence that the vegetative filter strips comply with the requirements of CCC 13.29.305. Specific requirements for filter strips are listed in CCC 13.29.305(D)(5).
 - Conveyance calculations and details of the proposed control structures and metering devices from the ponds shall be required.
 - Compliance with the various requirements for county-owned facilities called out in CCC 13.29 for all facilities within the public right-of-way. Adequate access must be provided to all portions of the facility for maintenance.
 - It shall address all other stormwater and erosion control issues identified in this decision.
- (See Stormwater and Erosion Control Finding # 3)
- A-14** Stormwater facilities not located within the public right-of-way shall be privately owned in compliance with CCC 13.29.340(A), and maintained by the neighborhood association per the county's Stormwater Facilities Maintenance Manual, as adopted by Chapter 13.26A. These facilities shall be located within an easement. Adequate access must be provided to the facilities to perform maintenance. (See Stormwater and Erosion Control Finding # 3)

- A-15** An erosion control plan for the development shall be submitted in compliance with Section 13.29.540. The erosion control plan shall be submitted and approved prior to any construction. The applicant shall submit a copy of the approved plan to the Chief Building Official. Failure to comply with the approved erosion control plan can result in a stop-work order, citation, or other code enforcement actions. (See Stormwater and Erosion Control Finding # 4)
- A-16** This development activity performed shall be supervised by an individual who shall have successfully completed formal training in erosion and sediment control during construction by a recognized organization acceptable to the director. (See Stormwater and Erosion Control Finding # 4)
- A-17** Additions to water mains supplying the required fire flow and fire hydrants shall be installed, approved and operational prior to final plat approval (See Fire Protection Finding # 3).
- A-18** The applicant shall provide fire hydrants such that the maximum spacing between hydrants does not exceed 700 feet and such that no lot or parcel is in excess of 500 feet from a fire hydrant as measured along approved fire apparatus access roads (See Fire Protection Finding # 4).
- A-19** The local fire district chief approves the exact locations of fire hydrants. As a condition of approval, contact the District 11 Fire Department at 360-687-2171 to arrange for location approval (See Fire Protection Finding # 4).
- A-20** The applicant shall provide an unobstructed vertical clearance of not less than 13.5 feet, with an all weather driving surface capable of supporting the imposed loads of fire apparatus (See Fire Protection Finding # 5).

B. Conditions that must be met <u>prior to Engineering Construction Plan Approval</u>
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- B-1** Final Wetland Permit approval shall be required (standard wetland permit condition).
- B-2** Wetland W11 shall be shown on the Engineering Construction plans with the required wetland buffer (See Wetland Finding #3).
- B-3** The Final Enhancement/Mitigation Plan shall provide the proposed wetland enhancement at a 4:1 ratio for all Category 4 wetland impacts unless proposed mitigation measures otherwise comply with CCC 13.36.420 (2) (See Wetland Finding #4).
- B-4** The Final Enhancement/Mitigation plan and Engineering Construction shall clearly address any additional wetland impacts required for stormwater detention. (See Wetland Finding #5).

- B-5** The Final Enhancement/Mitigation plan and Engineering Construction plans shall clearly show the total wetland buffer impact for all road crossings as well as adequate buffer function replacement measures (i.e. 1:1 replacement and or 2:1 enhancement) (See Wetland Finding #6).
- B-6** The Final Enhancement/ Mitigation plan and Engineering Construction plans shall show the precise location and design of any stormwater facilities located within the wetland buffer. These plans shall also locate, and identify protection measures for, any woody vegetation greater than four inches diameter that might be affected by grading required to construct the facilities (See Wetland Finding #7).
- B-7** The Engineering Construction shall show wetland buffers that are at least 50% of the required base buffer width with the exception of any approved wetland buffer road and utility crossings (See Wetland Finding #8).

C. Conditions that must be met prior to issuance of Building Permits

- C-1** Prior to issuance of any building or grading permits for the development site, the applicant shall obtain written approval from Clark County Department of Public Works of the applicant's Traffic Control Plan (TCP). The TCP shall govern all work within or impacting the public transportation system (See Transportation Concurrency Finding # 7).
- C-2** Building construction occurring subsequent to this application shall be in accordance with the provisions of the county's building and fire codes. Additional specific requirements may be made at the time of building construction as a result of the permit review and approval process (See Fire Protection Finding # 2).
- C-3** Impact fees shall be paid prior to issuance of a building permit for each lot as follows:
- School Impact Fees: \$3,000.00 (Battle Ground School District)
- Proposed lot #22, where an existing house is located, is exempt from the impact fee charge.
- If a building permit application is made more than three years following the date of preliminary plat approval, the impact fees shall be recalculated according to the then-current ordinance rate.

D. Notes Required on Final Plat

The following notes shall be placed on the final plat:

D-1 Archaeological:

"If any cultural resources are discovered in the course of undertaking the development activity, the Office of Archaeology and Historic Preservation in Olympia and Clark County Community Development shall be notified. Failure to comply with these State requirements may constitute a Class C Felony, subject to imprisonment and/or fines."

D-2 Wetland Covenants:

"Clark County Wetland Protection Ordinance (Clark County Code Chapter 13.36) requires wetlands and wetland buffers to be maintained in a natural state. Refer to the Conservation Covenant recorded in conjunction with this plat for limitations on the maintenance and use of the wetland and wetland buffer areas identified on the face of this Plat."

D-3 Private Roads:

"Clark County has no responsibility to improve or maintain the private roads contained within or private roads providing access to the property described in this plat. Any private access street shall remain a private street unless it is upgraded to public street standards at the expense of the developer or adjoining lot owners to include hard surface paving and is accepted by the County for public ownership and maintenance."
(See Transportation Finding # 7)

D-4 Driveways:

"Direct access to or from SR 503 is not permitted. This restriction extends west along the north side of NE 179th Street approximately 290 feet to the right-of-way jog. The existing house on Lot 22 will be permitted continued use of the existing access."
(See Transportation Finding # 12)

D-5 Driveways:

"No direct lot access is allowed onto NE 179th Street."
(See Transportation Finding # 13)

D-6 Driveways:

"Driveways accessing NE 120th Avenue shall be paved from the edge of the public road to the right-of-way, or to 20 feet from the edge, whichever is greater."
(See Transportation Finding # 14)

D-7 Privately Owned Stormwater Facilities:

"The neighborhood association is responsible for long-term maintenance of the privately owned stormwater facilities."
(See Stormwater and Erosion Control Finding # 3)

D-8 Erosion Control:

"Building Permits for lots on the plat shall comply with the approved erosion control plan on file with Clark County Building Department and put in place prior to construction."

D-9 Fire Protection:

Unless waived by the fire district chief fire hydrants shall be provided with appropriate 'storz' adapters for the pumper connection.

D-10 Fire Protection:

The applicant shall provide and maintain a six-foot clear space completely around every fire hydrant.

D-11 Fire Protection:

Plans for gates that obstruct fire apparatus access roads shall be submitted to and approved by the Fire Marshal prior to their installation

D-12 Impact Fees:

"In accordance with CCC 40.610, except for 1 lot (#22) designated on the final plat as waived, the School Impact Fees for each dwelling in this subdivision are: \$3,000.00 (Battle Ground School District). The impact fees for lots on this plat shall be fixed for a period of three years, beginning from the date of preliminary plat approval, dated _____, and expiring on _____. Impact fees for permits applied for following said expiration date shall be recalculated using the then-current regulations and fees schedule."

E. Standard Conditions

This development proposal shall conform to all applicable sections of the Clark County Code. The following conditions shall also apply:

Land Division:

- E-1** Within 5 years of preliminary plan approval, a Fully Complete application for Final Plat review shall be submitted.

Water Wells and Septic Systems:

- E-2** Submittal of a "Health Department Evaluation Letter" is required as part of the Final Construction Plan Review application. If the Evaluation Letter specifies that an acceptable "Health Department Well/Septic Abandonment Letter" must be submitted, the Evaluation Letter will specify the timing of when the Final Approval Letter must be submitted to the county (e.g., at Final Construction Plan Review, Final Plat Review or prior to occupancy).

Wetlands and Buffers:

E-3 Wetlands:

The requirements of CCC Section 13.36.250 shall apply even if no impacts are proposed. These requirements include:

- a) Demarcation of wetland and/or buffer boundaries established prior to, and maintained during construction (i.e. sediment fence;
- b) Permanent physical demarcation of the boundaries in a manner approved by the Development Services Manager (i.e. fencing, hedgerows, berms etc.) and posting of approved signage on each lot or every 100 ft of the boundary, whichever is less;
- c) Recording a conservation covenant with the County Auditor that runs with the land and requires that the wetlands and buffers remain in natural state; and,
- d) Showing the wetland and buffer boundaries on the face of the Final Plat and including a note that refers to the separately recorded conservation covenant.

Final Construction Plan Review:

E-4 Transportation:

Prior to construction, the applicant shall submit and obtain County approval of a final transportation design in conformance to CCC 12.05A.

E-5 Stormwater:

Prior to construction, the applicant shall submit and obtain County approval of a final stormwater plan designed in conformance to CCC 13.29.

E-6 Pre-Construction Conference:

Prior to construction or issuance of any grading or building permits, a pre-construction conference shall be held with the County.

E-7 Erosion Control:

Prior to construction, the applicant shall submit and obtain County approval of a final erosion control plan designed in accordance with CCC 13.29.

E-8 Erosion Control:

For land divisions, a copy of the approved erosion control plan shall be submitted to the Chief Building Official prior to final plat recording.

E-9 Erosion Control:

Prior to construction, erosion/sediment controls shall be in place. Sediment control facilities shall be installed that will prevent any silt from entering infiltration systems. Sediment controls shall be in place during construction and until all disturbed areas are stabilized and any erosion potential no longer exists.

E-10 Erosion Control:

Erosion control facilities shall **not** be removed without County approval.

E-11 Excavation and Grading:

Excavation/grading shall be performed in compliance with Appendix Chapter 33 of the Uniform Building Code (UBC).

E-12 Excavation and Grading:

Site excavation/grading shall be accomplished, and drainage facilities shall be provided, in order to ensure that building foundations and footing elevations can comply with CCC 14.04.252.

Note: Any additional information submitted by the applicant within fourteen (14) calendar days prior to or after issuance of this report, may not be considered due to time constraints. In order for such additional information to be considered, the applicant may be required to request a hearing extension and pay half the original review fee with a maximum fee of \$5,000.

HEARING EXAMINER DECISION AND APPEAL PROCESS

This report to the Hearing Examiner is a recommendation from the Development Services Division of Clark County, Washington.

The Examiner may adopt, modify or reject this recommendation. The Examiner will render a decision within 14 calendar days of closing the public hearing. The County will mail a copy of the decision to the applicant and neighborhood association within 7 days of receipt from the Hearing Examiner. All parties of record will receive a notice of the final decision within 7 days of receipt from the Hearing Examiner.

An **appeal** of any aspect of the Hearing Examiner's decision, except the SEPA determination (i.e., procedural issues), may be appealed to the Board of County Commissioners only by a party of record. A party of record includes the applicant and those individuals who signed the sign-in sheet or presented oral testimony at the public hearing, and/or submitted written testimony prior to or at the Public Hearing on this matter.

The appeal shall be filed with the Board of County Commissioners, Public Service Center, 1300 Franklin Street, Vancouver, Washington, 98668, within fourteen (14) calendar days from the date the notice of final land use decision is mailed to parties of record.

Any appeal of the final land use decisions shall be in writing and contain the following:

1. The case number designated by the County and the name of the applicant;

2. The name and signature of each person or group (petitioners) and a statement showing that each petitioner is entitled to file an appeal as described under Section 40.510.030(H) of the Clark County Code. If multiple parties file a single petition for review, the petition shall designate one party as the contact representative with the Development Services Manager. All contact with the Development Services Manager regarding the petition, including notice, shall be with this contact person;
3. The specific aspect(s) of the decision and/or SEPA issue being appealed, the reasons why each aspect is in error as a matter of fact or law, and the evidence relied, on to prove the error; and,
4. A check in the amount of **\$279** (made payable to the Clark County Board of County Commissioners).

Attachments:

- Copy of SEPA Checklist
- Copy of Vicinity Map
- Copy of Proposed Preliminary Plan
- Exhibit List

A copy of the approved preliminary plan, SEPA Checklist and Clark County Code are available for review at:

**Public Service Center
Department of Community Development
1300 Franklin Street
P.O. Box 9810
Vancouver, WA. 98666-9810
Phone: (360) 397-2375; Fax: (360) 397-2011**

A copy of the Clark County Code is also available on our Web Page at:
Web Page at: <http://www.clark.wa.gov>